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EXCISE DEPARTMENT

NOTIFICATION

The 29th October, 2024

S.R.O. No.555/2024— In exercise of the powers conferred by Section 90 of the Odisha Excise Act, 2008 (Odisha Act 10 of 2013), the State Government do hereby make the following rules further to amend the Odisha Excise Rules, 2017 namely:—

1. Short title and commencement.—(1) These rules may be called the Odisha Excise (Amendment) Rules, 2024.

(2) They shall come into force on the date of their publication in the *Odisha Gazette*.

2. In the Odisha Excise Rules, 2017, in rule 44, —

(i) in sub-rule(4), for the Proviso, the following Proviso shall be substituted, namely:—

“Provided that, women, not below 21 years of age may be engaged in musical Programme or Orchestra in the licensed ON shop premises having a bar License to sale foreign liquor and IMFL for consumption on the premise with prior written permission of the Commissioner .”;

(ii) for sub-rule(5), the following sub-rule shall be substituted, namely:—

“(5) The Commissioner shall impose the following conditions before granting such permission namely:—

(a) The premises shall be fixed with Closed Circuit Television (CCTV) Cameras at appropriate places including the performance stage and with appropriate mechanism to ensure that the said facilities cannot be tampered with and switched on round the clock;

- (b) The recorded footage of CCTV Cameras shall be made available to the jurisdictional Inspector-in-Charge of Police Station as well as Officer-in-Charge (OIC) of Excise Station;
- (c) If the CCTV Cameras do not function, it shall be immediately reported to the concerned OIC of the Excise Station as well as the Police Station in which jurisdiction, the licensed premise is located. The musical Programme or Orchestra shall be stopped forthwith as and when the CCTV cameras become dysfunctional;
- (d) The associated Hard Disc in such CCTV system must have the capacity to store data for a minimum period of three months;
- (e) The licensee shall make an application along with either voter ID card or Aadhar card and clear photograph of the performers, taken within 6 month of such application whom they seek to engage in the musical programme or Orchestra, containing the names and details of the performers;
- (f) The performers should wear clothes keeping public decency in mind;
- (g) The performance stage should be bounded with a railing of 3 (three) feet height and there should be minimum 5 (five) feet distance between the railing and the seats for customers;
- (h) A register shall be maintained by the licensee to keep records of names and local residential address of women performing in the musical programme or orchestra every day, which should be produced before an inspecting Police Officer or Excise Officer on demand;
- (i) It shall be the responsibility of the licensee to gather and verify the information regarding name, local address, photograph and citizenship of the performers before applying for such permission. No women having been charge-sheeted by Police for involvement in Immoral Trafficking(Prevention) Act, 1956 shall be engaged for performing in the musical Programme or Orchestra;
- (j) The area designated for the musical performance or Orchestra shall be minimum 10 ft x 12 ft i.e., 120sq ft (One hundred and twenty sq.ft.);
- (k) The performers shall not be awarded by the customers directly, either by paying money or by showering anything which can be converted into money;

- (l) If any customer wants to award a performer, the same shall be handed over to the manager of the licensed premises concerned;
- (m) The licensee shall display the license prominently on the walls of the Place of performance;
- (n) Subject to the provisions of the prohibition of smoking in public places rules, no person shall smoke and no licensee or his nominated manager or managers shall permit smoking in the establishment;
- (o) Separate washroom and locker facilities shall be provided for performers so engaged;
- (p) The applicant or licensee shall be holding the certificate regarding fire safety from the Competent Authority;
- (q) The establishment shall issue a photo ID card to each performer so engaged which shall be carried by that employee at all times during the period of duty;
- (r) Adequate private security measures must be taken by the licensee to prevent sexual or other harassment in any form of any woman engaged in his/her licensed premises;
- (s) The licensee must ensure the safety of women engaged in his/her "ON" shop by providing free and suitable travel arrangements to her place of residence, either temporary or permanent;
- (t) The licensee is to submit a letter of consent by the performer along with medical fitness certificate; and
- (u) Permission of competent authority as regards Regulation and Control in use of loudspeakers in terms of the Noise Pollution (Regulation and Control) Rules, 2000 shall be obtained".

[No.5642—EXC-POL-POL-0054/2024/Ex.]

By Order of the Governor

SUSHIL KUMAR LOHANI

Principal Secretary to Government